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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 OCT 19 AM 10:54 ✓

CLERK OF COURT

N. Seguin

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S RESPONSE TO DEFENDANT'S
SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF DEFENDANT'S MOTION
FOR REEXAMINATION OF
CONDITIONS OF RELEASE

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its Response to Defendant's Supplemental Memorandum in Support of Defendant's Motion for Reexamination of Conditions of Release.

This Court found that Defendant had the opportunity to burglarize his ex-wife's home and then commit her brutal murder. Defendant was proximate to the scene. He claimed he was riding his mountain bike just across the road from Carol's house. The time frame during which Defendant claimed he was riding his bike was the same as when the murder occurred. Also, Defendant, who was a habitual cell phone user and known to always carry a spare battery, was out of cell phone contact for nearly 5 hours. Defendant lacked an alibi. When Defendant was arrested, significant evidence was found indicating he was ready to flee. Officers found a motorcycle capable of off-road travel, GPS maps of Mexico, stainless steel

1 trunks, a handgun, and a backpack full of dehydrated meals, jerky, and other dry goods that
2 would be extremely useful to one on the run. Also found were several books instructing one
3 how to disappear. Defendant's daughter wrote in her journal included that she suspected he
4 was going to run. After a lengthy *Simpson* Hearing, this Court determined that \$2,500,000.00
5 cash or security bond was appropriate.

6
7 Absent a showing of new material facts, Defendant's bond amount should not be
8 decreased. Defendant's claim that the "new material fact" is that the standard day-to-day
9 policies and procedures at the jail are an invasion of his privacy and are preventing him from
10 meaningfully assisting in his defense should be viewed with the utmost skepticism. Obviously,
11 jails are not designed to allow prisoners unfettered freedom of movement or unlimited contact
12 with visitors. The State has offered to make arrangements to provide Defendant with a secure
13 room, the ability to video conference, a secure telephone line, as well a secure computer to
14 allow him to review evidence and assist his defense team as this case proceeds to trial.
15 Defense counsel has indicated that these arrangements are insufficient and unacceptable.
16 According to Defendant, nothing short of release will allow him to assist in his defense.

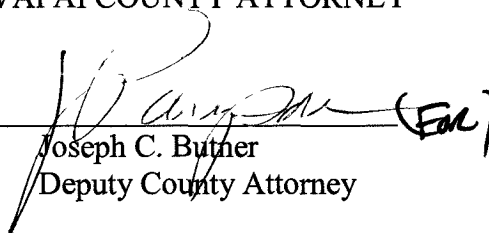
17
18 Because Defendant has flatly rejected the State's offer to make arrangements for him to
19 better assist his defense team, his argument that incarceration is an unduly burdensome
20 infringement on his ability to assist in his defense should be rejected. Clearly, Defendant has
21 failed to present any material facts not previously presented to this Court as to warrant a
22 Reexamination of Release Conditions; therefore, his Motion for Reexamination of
23 Conditions of Release should be denied.

24
25 ///

26 ///

1 RESPECTFULLY SUBMITTED this 19th October, 2009.

2
3 Sheila Sullivan Polk
4 YAVAPAI COUNTY ATTORNEY

5 By:  (Enl)
6 Joseph C. Butner
7 Deputy County Attorney

8 COPIES of the foregoing delivered this
9 19th day of October, 2009 to:

10 Honorable Thomas J. Lindberg
11 Division 6
12 Yavapai County Superior Court
(via email)

13 John Sears
14 107 North Cortez Street, Suite 104
15 Prescott, AZ 86301
Attorney for Defendant
(via email)

16 Larry Hammond
17 Anne Chapman
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21 By: 
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24
25
26

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